

# **Exhibit 12**

## **Affidavit**

In the Matter of [REDACTED]

*Affidavit of* [REDACTED]  
[REDACTED]

STATE OF NEW YORK     )  
                                      )  
COUNTY OF NEW YORK    )

ss.:

[REDACTED], being duly sworn, states the following to be true under penalties of perjury:

1. On July 19, 2022, I was a mechanic employed by [REDACTED] at a project site known as [REDACTED] specifically Building B. At approximately 4:40 p.m., I had to go to the [REDACTED] roof of Building A in order to take my tools.

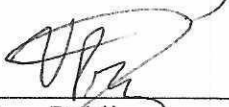
2. When I arrived, I observed a worker, who I now know to be [REDACTED] sitting on the floor of the [REDACTED] roof next to a 12-foot extension ladder that was set up from the floor of the [REDACTED] roof to the top of the parapet wall that was parallel to the building façade. The extension ladder was fully upright and leaning straight against the landing. The landing led to a second extension ladder that we used to descent down to the sidewalk bridge adjacent to the [REDACTED] roof (at a lower level).

3. There was nothing wrong with the ladder, it was not broken and did not have any debris, liquid or other foreign substances on any of its rungs. I also observed the area of the floor of the [REDACTED] roof in the area of the ladder. There was no debris, materials, or anything else in the vicinity of the ladder.

4. I had used this extension ladder numerous times on July 19, 2022, to go from and to the sidewalk bridge that is adjacent to the [REDACTED] roof. I never had any problems walking up or down that extension ladder. The ladder was free from defects and did not break,

shake, move or slide when I used it on the numerous occasions I went up and down that same day.

Sworn to before me this  
22<sup>nd</sup> day of July 2022

  
\_\_\_\_\_  
Notary Public

VALERIA PRIZIMENTER  
Notary Public, State of New York  
No. 02PR6313063  
Qualified in Kings County  
Commission Expires October 14, 2022